Federal Roundtable

Hybrid Title 38

Susan Lloyd
Dept of Veterans Affairs

Hybrid Title 38

- **Title 5 - Employment system for all federal employees.**
  - Hiring authority, promotions, and all other personnel issues.
- **In 1946 Public Law 79-293 established Title 38 Employment System**
  - Provided speed and flexibility in hiring physicians, dentists, and nurses.
- **In 1983, PL 98-160 authorized “hybrid” Title 38.**
  - Title 5 benefits but hiring speed and flexibility of Title 38
    - LPNs, PTs, OTs, Pharmacists and Respiratory Therapists.
  - In 2003, PL 108-170 - 22 Title 5 occupations to Hybrid Title 38
    - Includes health information managers, coders, and most other health information employees.

Hybrid Title 38

- Title 38 Personnel System
  - Addresses appointment, advancement, salaries for specified health care occupations
  - Pay is based on skills, not the job being performed
- All other personnel matters still covered by Title 5
  - Basic benefits such as life and health insurance, retirement, leave entitlement and eligibility, regular within-grade increases
  - Probationary periods, appeal processes, hours of duty, veterans preference

Hybrid Title 38

- Recruitment and appointment process, including salary
- Recognition for professional accomplishments
- Peer Review for appointments, advancements, retention, and special contribution awards

Hybrid Title 38 – Recruitment & Appointment

- Title 5
  - Recruitment and appointment a competitive process
  - Jobs posted on OPM website (USAJobs)
  - Application rated and ranked by OPM or DEU with Veterans Preference applied
  - List of candidates sent to supervisor
  - Applicants interviewed
  - Applicant chosen and an offer made
- Title 38
  - Employing facility obtains applications
  - As applications obtained, supervisor interviews
  - Supervisor makes recommendations for employment
  - PSB reviews application, determines if applicant is qualified for the job, recommends the pay level (grade and step).
  - Approving Official makes final determination

Special Advancements - Achievement

- Employees have always received recognition for performance
- Now advancements can be awarded for professional achievement
  - Professional attainments recognized at national international level, or published
  - Certification
  - Higher-level degree
  - Election to state or national office
  - Recognition by a professional or academic organization
  - Independent published research that advances patient care or medical science
  - Appointment to university faculty position
  - Appointment to national certifying or accrediting body related to the practice of the employee’s occupation

Peer Review Process
Professional Standards Boards

- Title 38 says that employees shall be reviewed by a Board of their peers for appointments and promotions.
- Professional Standards Boards (PSB) serve as agents of the Undersecretary for Health of the Department of Veterans Affairs
  - They divest themselves of their personal identity and address the needs and challenges of the entire Veterans Health Administration.
  - They determine the eligibility for employment, and recommend employees' salaries and promotions against standards

Hybrid Title 38

- Enables VA to hire qualified health care professionals more quickly.
- Encourages employees to keep skills current and pursue professional development for career advancement which will improve quality of services provided to veterans.
- Allows employees more pay flexibilities, greater career opportunities and advancements
- Increases recognition of personal and professional achievements
- Supports VA’s goal to recruit, develop, and retain a competent, committed and diverse workforce that provides high quality service to veterans and their families